

Message Text

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ORIGIN EB-11

INFO OCT-01 ARA-16 EUR-25 ISO-00 CAB-09 L-03 CIAE-00

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P R 091935Z MAY 74

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO PRIORITY

INFO AMEMBASSY LUXEMBOURG

AMEMBASSY BONN

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMCONSUL FRANKFURT

AMCONSUL TIJUANA

AMEMBASSY MADRID

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E.O. 11652: N/A

TAGS: ETRN, MX

SUBJECT:CIVAIR: AIR EUROPE

REF: LUXEMBOURG 273 (NOTAL)

1. DEPT HAS LEARNED THAT, AFTER VERY HIGH LEVEL
REPRESENTATIONS FROM MEXICAN PUBLISHER, ANTONIO DIAZ
LOMBARDO, MEXICAN DIRECTOR CIVIL AVIATION WAS INSTRUCTED
TO ACT SYMPATHETICALLY TOWARD AIR-EUROPE APPLICATION
FOR RIGHTS TO FLY BETWEEN TIJUANA AND LUXEMBOURG. HE
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HAS ACCORDINGLY ISSUED A UNILATERAL PERMIT UNDER WHICH

AIR-EUROPE MAY MAKE UP TO FIVE SCHEDULED ROUND-TRIP FLIGHTS PER WEEK. NO INTERMEDIATE POINTS ARE SPECIFIED IN PERMIT, WHICH IS ALSO CONDITIONED UPON NO TICKETS SALES BEING MADE IN MEXICO. WE UNDERSTAND THAT OPERATORS PLAN TO OPEN TICKET OFFICES IN SOUTHERN CALIFORNIA.

2. AIR-EUROPE, ACCORDING TO OUR INFORMATION, IS PRESENTLY SEEKING TO WET LEASE AIRCRAFT FROM TRANS-INTERNATIONAL AIRLINES (TIA) OR SPANTEX, THE SPANISH NON-SCHEDULED CARRIER. TIA WOULD BE REQUIRED TO SEEK US CIVIL AERONAUTICS BOARD APPROVAL FOR ANY WET LEASE ARRANGEMENT WITH AIR-EUROPE, AND TO THAT EXTENT USG HAS SOME CONTROL. WE WOULD NOT BE ABLE TO CONTROL AN ARRANGEMENT BETWEEN SPANTEX AND AIR-EUROPE. WE ARE LOOKING INTO WHAT STEPS MAY BE OPEN TO US REGARDING CALIFORNIA TICKET OFFICES.

3. IT IS OUR POLICY TO DISCOURAGE UNREGULATED OPERATIONS WHICH SEEK TO SIPHON OFF US ORIGIN AND DESTINATION TRAFFIC THROUGH CUT RATE MEANS, TO THE DETRIMENT OF US SCHEDULED AND SUPPLEMENTAL CARRIERS AUTHORIZED TO PROVIDE SUCH SERVICES. THEREFORE, EMBASSY MEXICO IS REQUESTED TO BRING OUR CONCERNS OFFICIALLY TO ATTENTION OF GOM EITHER BY MEANS OF A NOTE TO THE FOREIGN OFFICE OR A LETTER TO THE SECRETARY OF COMMUNICATIONS AND TRANSPORT FROM THE AMBASSADOR ALONG THE FOLLOWING LINES.

QUOTE: THE UNITED STATES GOVERNMENT HAS LEARNED THAT CERTAIN UNITED STATES CITIZENS HAVE ORGANIZED AIR EUROPA INTERNATIONAL, S.A., A LUXEMBOURG CORPORATION WHOSE PURPOSE IS TO OFFER SCHEDULED AIR TRANSPORTATION BETWEEN TIJUANA AND LUXEMBOURG USING THE NAME "AIR EUROPE".

THE FORMATION OF THIS COMPANY AND ITS PROPOSED METHODS OF OPERATION APPEAR TO BE AN EFFORT TO CIRCUMVENT UNITED STATES LAW AND REGULATION WHICH REQUIRE THAT A COMPANY OWNED AND CONTROLLED BY US CITIZENS OFFERING TO TRANSPORT US TRAFFIC IN INTERNATIONAL SERVICE MUST OBTAIN AUTHORITY FROM THE US CAB, WITH FINAL APPROVAL BY THE PRESIDENT, PRIOR TO OFFERING SUCH SERVICES. THE OPERATORS APPARENTLY SEEK TO SOLICIT LIMITED OFFICIAL USE

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UNITED STATES ORIGIN AND DESTINATION TRAFFIC TO THE POTENTIAL DETRIMENT OF THE US AND FOREIGN CARRIERS PRESENTLY AUTHORIZED TO PROVIDE SCHEDULED AND SUPPLEMENTAL SERVICE IN THESE MARKETS. WHILE THE US, OF COURSE, CANNOT IMPOSE ITS JURISDICTION ON SERVICE BETWEEN MEXICO AND A FOREIGN POINT, IN VIEW OF THE CLOSE AND CORDIAL RELATIONS BETWEEN OUR TWO COUNTRIES, WE WISH TO CALL OUR DEEP CONCERN TO YOUR ATTENTION FOR

APPROPRIATE CONSIDERATION. END QUOTE. RUSH

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